

Serial No. 10/736,117  
Attorney Docket No. 7343-1  
Reply to Office Action

## REMARKS

### *Status of the Claims*

Claims 1, 3, 4, 6, 7, 11-15, 19 and 21 are currently pending, with claims 12-15, 19, and 21 having been withdrawn from consideration. Of claims 1, 3, 4, 6, 7, and 11, claim 1 is the sole independent claim.

Applicants respectfully request the Examiner to reconsider and withdraw the outstanding rejections in view of the following remarks.

### *Claim Rejections Under 35 U.S.C. § 103*

The rejection of claims 1, 3, 4, 6, 7, and 11 as allegedly unpatentable over EP 1 162 306 B1 ("Draxö") in view of U.S. Patent No. 5,433,997 ("Land") is respectfully traversed.

Independent claim 1 is directed to a woven, patterned glass fiber textile fabric comprised of a glass fiber yarn with a titer of from about 30 to 75 tex as the warp, and a glass fiber yarn having a titer ranging from 190 to 350 tex as the weft, wherein the warp density of the fabric ranges from 2.5 to 5 threads/cm and the weft density ranges from 2.0 to 12 threads/cm, wherein the woven, patterned glass fiber textile fabric is formed from a Jacquard weaving process using a Jacquard loom. As discussed above, such claim has been amended to further specify that each glass fiber yarn used as the warp and/or weft is a sliver or a texturized yarn.

Draxö provides a pre-glued glass fiber wallcovering and process for its formation. (Abstract). The Office Action acknowledges that Draxö fails to disclose forming a woven, patterned glass fiber textile fabric from a Jacquard weaving process using a Jacquard loom. In particular, the Office Action asserts, "Since Draxö is silent as to the specific weaving process, it would have been necessary and therefore obvious to look to the prior art for conventional weaving processes." (Page 3). Accordingly, the Office Action cites Land as "showing that it was known in the wallcovering art to form a fabric for use in wallcovering

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comprising textured glass woven yarns, wherein the fabric is woven into various styles including Jacquard, and woven using known looms". (Page 3).

Applicants point out that contrary to the assertion in the Office Action, Draxö is *not* silent as to the specific weaving process. Specifically, Draxö discloses that woven glass fabric products can be "produced, for example, *on Dornier weaving machines, Rapiers or Air-Jets*". (Emphasis Added; Paragraph [0017]). Draxö further discloses, "While the preferred embodiment of the present invention utilizes glass fabrics in woven and rolled form, other fiberglass fabrics such as . . . *nonwoven mats may be utilised*." (Emphasis Added; Paragraph [0013]). Thus, contrary to the assertion in the Office Action, it would *not* have been necessary and therefore obvious to look to the prior art for conventional weaving processes.

Applicants further respectfully submit that the results of combining Draxö and Land would *not* have been predictable, given the different glass yarns disclosed by each of Draxö and Land. In particular, Draxö discloses,

Preferred yarns include, for the warp direction are continuous C-glass or E-glass of 9 to 10 microns, and 139 to 142 tex with approximately 315 to 340 ends per meter [*3.15 to 3.40 threads/cm*]. An alternative warp yarn is formed from continuous C-glass or E-glass of 6 to 9 microns, 34 to 68 tex with approximately 680 ends per meter [*6.80 threads/cm*].

For the weft direction, a preferred glass is discontinuous spun E-glass or C-glass, *8 to 11 microns*, and 165 to 550 tex with approximately 170 to 600 ends per meter [*1.70 to 6.00 threads/cm*]. An alternative weft yarn includes continuous volumized E-glass or C-glass of 8 to 11 microns and 165 to 550 tex with approximately 170 to 600 ends per meter.

(Emphasis Added; Paragraphs [0018]-[0019]). In contrast, Land discloses,

As examples of extremely fine glass filaments possessing the desired properties, it is noted that yarns consisting of continuous glass filaments having an average diameter of approximately 0.00015 inch [*3.81 microns*] are commercially available and are known as B (or Beta) filament yarns. Filaments having an average diameter of approximately 0.00018 inch [*4.57 microns*] are known as C filaments, and filaments having a diameter of approximately 0.00021 inch [*5.33 microns*] are known as D filaments.

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Commercial DE filaments have an average diameter of approximately 0.00025 inch [*6.35 microns*].

(Emphasis Added; Column 4, Lines 4-14). Land further discloses that "the weave can be warp ends per inch  $26 \pm 1$  and filling picks per inch 17 (two ends up) and warp ends up per inch  $26 \pm 1$  and filling picks per inch 17 (one end up)."

(Column 5, Lines 46-49). Warp ends per inch  $26 \pm 1$  corresponds to *10.2  $\pm$  0.4 threads/cm*, while filling picks per inch 17 (two ends up) corresponds to *13.4 threads/cm* and filling picks per inch 17 (one end up) corresponds to *6.7 threads/cm*.

For at least the above reasons, it is apparent that no *prima facie* case of obviousness has been established. Accordingly, withdrawal of the rejection of claims 1, 3, 4, 6, 7, and 11 as allegedly unpatentable over Draxö in view of Land is respectfully requested.

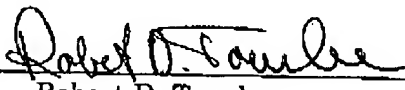
### Conclusion

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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